

BILL NO. S-75-08-S/

SPECIAL ORDINANCE NO. S- 179-75

AN ORDINANCE approving a contract with NORTH  
EASTERN ENTERPRISES, INC., for construction  
of water main for Water Contract # 7504

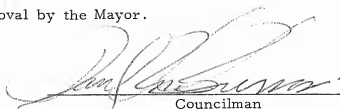
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the contract dated July 5, 1975, between the  
City of Fort Wayne, by and through its Mayor and the Board of Public Works  
and NORTH EASTERN ENTERPRISES, INC., for

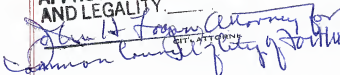
Construction of water mains at Bristers Spring Run and Thoreau  
Avenue from the north property line of lot #117 to the west property  
line of lot #192; Heywood Cove from Bristers Spring Run westward  
to its terminus; Deer Cove from Thoreau Avenue northward to its  
terminus; Western Ridge Place from Thoreau Avenue and southward  
to its terminus and Andro Run from Bristers Spring Run northeast-  
ward 120<sup>±</sup> feet, all in Walden, Sec. III

for a total cost of \$34,350.00, of which \$3,050.00 is to be paid by Water Utility,  
all as more particularly set forth in said contract, which is on file in the Office  
of the Board of Public Works and is by reference incorporated herein, made a  
part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from  
and after its passage and approval by the Mayor.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY.

  
City Attorney  
Common Council City of Fort Wayne

Read the first time in full and on motion by Burns, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 8-26-75

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage.  
Passed (~~lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>8</u>	<u>    </u>	<u>    </u>	<u>1</u>	<u>    </u>
BURNS	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
HINGA	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
KRAUS	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
MOSES	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
NUCKOLS	<u>    </u>	<u>    </u>	<u>    </u>	<u>A</u>	<u>    </u>
SCHMIDT, D.	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
SCHMIDT, V.	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
STIER	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
TALARICO	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>

DATE: 9-9-75

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution, No. S-179-75 on the 9th day of September, 1975.

ATTEST:

(SEAL)

Charles W. Westerman  
CITY CLERK

James Stier  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1975, at the hour of 10:00 o'clock \_\_\_\_\_ M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 11th day of September, 1975, at the hour of 2:00 o'clock \_\_\_\_\_ M., E.S.T.

Jack Long  
MAYOR

Bill No. S-75-08-51

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance  
approving a contract with NORTH EASTERN ENTERPRISES, INC. for  
construction of water main for Water Contract # 7504

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance DO PASS.

Paul M. Burns - Chairman

Donald J. Schmidt - Vice-Chairman

Winfield C. Moses, Jr.

William T. Hinga

Eugene Kraus, Jr.

*Paul M. Burns*  
*Donald J. Schmidt*  
*Winfield C. Moses Jr.*  
*William T. Hinga*  
*Eugene Kraus Jr.*

DATE 9-9-75 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

THIS AGREEMENT, made and entered into the 5th day of July, 1975, by and between North Eastern Enterprises, Inc., an Indiana Corporation, hereinafter called CONTRIBUTOR, and the FORT WAYNE UTILITY of the City of Fort Wayne, Indiana by and through the Board of Public Works of said City, hereinafter called UTILITY, WITNESSETH:

1. That the UTILITY and the CONTRIBUTOR shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct 2790± feet of twelve (12) inch, and six (6) inch and four (4) inch water mains, including all necessary fittings as follows:

Bristers Spring Run and Thoreau Avenue from the north property line of lot #117 to the west property line of lot #192; Heywood Cove from Bristers Spring Run westward to its terminus; Deer Cove from Thoreau Avenue northward to its terminus; Western Ridge Place from Thoreau Avenue southward to its terminus and Andro Run from Bristers Spring Run northeastward 120± feet, all in Walden, Sec. III.

2. That said water main system shall be constructed according to the standards, plans and specifications of the UTILITY and that said UTILITY shall furnish water thru said water main when completed, in accordance with the rules and regulations of said UTILITY, and the laws ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the UTILITY will not furnish water thru any part or parts of the water main covered hereunder unless and until the entire main shall have been pressure tested, disinfected and placed in service and accepted by said UTILITY.

3. It is understood and agreed by and between the parties of this contract that the CONTRIBUTOR shall furnish all materials, contractual labor and equipment for the construction of said water main through North Eastern Construction Co., Inc. at a cost of Thirty Three Thousand Dollars and 00/100 (\$33,000.00) and that said UTILITY shall supply the necessary labor for inspection, pressure testing, disinfection and engineering at a cost of One Thousand, Three Hundred Fifty Dollars and 00/100 (\$1,350.00). Therefore, the total cost of said water main is Thirty-Four Thousand Three Hundred and Fifty Dollars and 00/100 (\$34,350.00). It is further understood and agreed by and between the parties of this contract that the said CONTRIBUTOR shall bear the cost of the water main on the basis of six (6) inch and four (4) inch main, the cost of which is Twenty-Nine Thousand and Nine Hundred Fifty Dollars and 00/100 (\$29,950.00) and which amount is the contract price of this agreement. Therefore, it is agreed that upon completion and acceptance of said water main system by said UTILITY, the UTILITY will pay to said CONTRIBUTOR'S contractors the difference between the cost of material contractual labor and equipment as supplied by the contractor, as referred to above and the contract price of this agreement said difference being Three Thousand and Fifty Dollars and 00/100 (\$3,050.00).
4. The UTILITY may approve the extension of additional water mains from the water main covered in this contract without incurring any financial obligations to the CONTRIBUTOR under this contract, except it is understood and agreed that the UTILITY will not permit any further customers of water on property contiguous to the water main subject to this contract to make a service connection tap into any lateral extension from this main so as to avoid payments of his aforesaid share of the installation cost of this main.

5. It is further understood and agreed that, upon completion and acceptance by the UTILITY, the water main and fittings installed under this contract shall form and be a part of the water works system of said UTILITY, and that all rights, title and interest whatsoever, shall at all times be and remain in the City of Fort Wayne, Indiana.

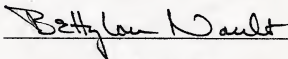
IT WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

FORT WAYNE WATER UTILITY

BOARD OF PUBLIC WORKS

  
Chairman

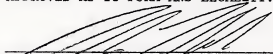
  
Carl E. O'Neal

  
Betty Lou Nault

ATTEST:

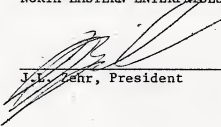
  
Associate City Attorney

APPROVED AS TO FORM AND LEGALITY:

  
Associate City Attorney

AUG 18 1975

NORTH EASTERN ENTERPRISES, INC.

  
J.L. Lehr, President

THIS INSTRUMENT WAS PREPARED BY:

D. L. FOLAND, P.E.

CHIEF WATER ENGINEER

DIGEST SHEET

TITLE OF ORDINANCE Special Ordinance

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE Provides for City participation on cost of water main installation for Walden Addition, Section III. Total cost of main is \$34,350.00 distributed as follows:

Paid to contractor by contributor \$29,950.00

Utility costs for labor (inspection and testing) \$ 1,350.00

Paid to contractor by Utility (for oversizing) \$ 3,050.00

This means the City pays for oversizing in order to provide lines capable of handling future expansion. Engineering costs are absorbed.

EFFECT OF PASSAGE Ample lines for future requirements.

EFFECT OF NON-PASSAGE Deficiency of main size at future time.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) Actual cost to Water Utility of \$3,050.00

ASSIGNED TO COMMITTEE

City Utilities JM